

COMES NOW, the Defendants Midnight Velvet, Inc. (“MV”) and Ginny's Inc. (“Ginny's”) (collectively, (“Defendants”), by and through its counsel of record and moves the Court to dismiss the Complaint (Doc. #1) pursuant to Fed. R. Civ. P. 56 for a Summary Judgment in Defendants favor.

2. First, Defendants received and responded to seven written disputes from the Plaintiff *denying ownership*, which Defendants received from the credit reporting agencies (“CRAs”) Equifax, Experian, and TransUnion from February 2018 through November 2019 (the “Disputes,” Dec. ¶ 11-14, Ex. “1”). These Disputes stated “not mine, I never had an account with this company” and “This is not my account” (Dec. ¶ 14). None of the Disputes received by Defendants dispute the reporting of an “erroneous monthly payment” as alleged in Plaintiff’s Complaint against the Defendants (Compl. ¶ 7; Dec. ¶ 18).

3. Second, Defendants received and timely responded to multiple Disputes from Plaintiff denying ownership of the Account (Dec. ¶ 15). Defendants received no other disputes from any of the CRAs in connection with Plaintiff's Accounts, including the claimed dispute that allegedly forms the basis of Plaintiff's Complaint (Dec. ¶ 18).

4. Under the Fair Credit Reporting Act ("FCRA"), Defendants accurately reported information relating to the Plaintiff's Accounts and fulfilled its investigation duties based on the Plaintiff's disputes.

5. Because as a matter of law, Defendants reasonably investigated Plaintiff's Disputes based on the information she disputed, Defendants accurately reported Plaintiff's Accounts, and because Plaintiff failed to respond to Defendants' Requests for Admission which when deemed admitted belie her claims (Exs. "2" & "3"; *see also* notices of service at Doc. #'s 30 & 27), Defendants submit that Plaintiff's should be dismissed on the merits.

WHEREFORE, PREMISES CONSIDERED, it is respectfully submitted that Defendants' Motion for Summary Judgment should be granted. Defendants further move the Court for such other relief as the Court may deem appropriate under the circumstances.

Dated: June 1, 2021

Respectfully submitted,

MIDNIGHT VELVET AND GINNY'S
INC.

By: /s/ H. Rusty Comley

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

This, the 1st day of June 2021.

By: /s/ H. Rusty Comley
H. Ruston Comley (MSB # 102307)